





# SPEECH

OF

## HON. PERCY WALKER, OF ALABAMA,

ON

### THE PRESIDENTIAL ELECTION—THE ATTITUDE OF PARTIES—THE DUTY OF SOUTHERN MEN.

DELIVERED IN THE

HOUSE OF REPRESENTATIVES, AUGUST 6, 1856.

---

The House being in Committee of the Whole, Mr. WALKER said :

Mr. Chairman, much as I disapprove the habit of appropriating time which strictly belongs to legitimate legislation for general debate, merely to allow gentlemen occasion for expressing their peculiar views on the great political topics of the day—in bad taste as I esteem it—I am, notwithstanding, so placed as to be constrained to follow an example set by others.

It is my purpose to address the committee, or, to speak more properly, to address through this committee my own constituents, in order that they can have no doubt as to what my position is, and what my intentions are in regard to the political canvass now going on. It may have been observed that ever since the nomination of Mr. Fillmore in February last, in Philadelphia, I have been silent; at least, I have abstained from any public expression of my opinions as to the merits of this or that candidate for the highest office of the country. This has not been from any indifference to the result.

It has not been from any indisposition to canvass the claims or examine the avowed opinions of the candidates. On the contrary, sir, this silence has been forced upon me by an earnest desire to wait for developments, to observe the movement of parties, to see how men holding leading positions in this or that party should define themselves, in order that I might take the whole as a guide, as lights in my own path, thereby insuring to myself at least some certainty that the path I should eventually take in this canvass might be a safe and a wise one—such a one as a man moved by right instincts, mindful of his allegiance to the constitution, and hopeful of the perpetuity of the Union, so long as it shall subserve the great purposes of its creation, should take. It is known to many members of this committee that in February last I was a delegate to the convention by which Mr. Fillmore was nominated for the presidency.

In April last I addressed a letter to an editor in my own State, and that has been the only occasion upon which I have, in any public form, alluded to the coming election. That letter was as follows, viz :

[From the Florence Gazette.]

LETTER FROM THE HON. PERCY WALKER.

WASHINGTON, April 4, 1856.

To the EDITOR of the *Florence Gazette*:

SIR: Through the kindness of a friend, I have this moment received the following slip, cut from a late number of your paper, and copied, as I am informed by you, from the "Nashville Banner," viz:

"Percy Walker, of Alabama, made a speech against the introduction of slavery into an American platform. He would tell his southern brethren that Pennsylvania would never sustain a platform with a slavery plank on it. He could tell them that the great North would not stand upon a slavery platform. The great North demanded a restoration of the Missouri compromise, and they would be satisfied with nothing less than that. If they refused admission to the Edie council, they must, on the same ground, throw out all the delegates from the North, for they all repudiated the twelfth section."

The above is published as purporting to have been said by me in the late "National American Convention at Philadelphia."

Taking it for granted that there can be no desire, either on your part or that of the editor of the "Banner," to do me an intentional wrong, I am satisfied that you will allow me room in your columns to declare emphatically that there is *not a word of truth in the above extract*.

I used no such language as is there attributed to me.

I was one of the committee on credentials, and concurred in the *minority* report, *protesting against* the admission of the "Edie delegates," as they were called, upon the ground that they were appointed by the councils that had *repudiated* the 12th section of the platform of June, 1855. After the reading of the reports, Mr. Baldwin, of Connecticut, addressed the convention in favor of the *majority* report, which *recommended* the admission of the "Edie delegation." He contended that the question of slavery should be left out of the platform; that it was the intention of the North to fight that question in the halls of Congress; that there must be a restoration of the Missouri restriction, &c.

When he concluded, I, at the request of Mr. Imboden, of Virginia, the author of the "minority report," took the floor in support of that report. I spoke nearly two hours, reviewing the history of parties for several years back, especially in relation to slavery, defending the institution as being in no sense an evil, and declaring emphatically that the "southern Americans" ought not, and would not, consent to an ignoring of the question of slavery, or the repudiation of the 12th section.

It is unnecessary for me to attempt to give even the substance of the speech. But no one who heard it considered it otherwise than a southern-rights speech. As an evidence of this, I may be pardoned for saying that at its conclusion southern delegates, of the strictest State-rights school, thanked me for what they were pleased to term my "full and triumphant vindication of the South."

A short time after I had concluded, and before the convention adjourned over, I left the hall. At a late hour that night I was informed that the "Edie delegates" had been admitted. That circumstance, and the character of the speeches which I was informed



had been made by northern members after I had returned to my hotel, determined me to withdraw from the convention, and I did so next morning.

On the following Monday a proposition was offered by a northern delegate declaring that the restriction should be restored. This was *voted down* by a majority of nearly *one hundred*, several southern States not being represented.

This vote, and the urgent solicitations of southern delegates, induced me to return to the convention. The propriety of this step I shall not now discuss. That I design doing at another time, and through a different medium. My reasons for voting for Mr. Fillmore in the convention will then be made public. Suffice it for the present to say, that the southern members were assured that he was for maintaining *all the existing laws upon the subject of slavery*.

A word more, and I am done. My course in the ensuing presidential contest will be governed by what I conceive to be my duty to the South. The indications now are that the question of slavery is to be the controlling one, and in that event no southern man can permit *party allegiance* to stand between him and the solemn duty of co-operating with those who most fully recognise his rights and are ready to protect his interests.

Respectfully, yours, &c.,

PERCY WALKER.

I propose, in the first place, to account for my presence in that convention, and for my action there.

Some months after I had taken my seat upon this floor, I received a notice that I had been appointed a delegate to that convention by the American party of Alabama.

As an evidence of the spirit and purposes by which the Alabama convention was governed, I refer to the following portions of its platform, viz:

"1. *Resolved*, That, as the institution of slavery existed in the States of the confederacy prior to the adoption of the constitution of the United States, and as the right to hold slave, as *property* was conceded by the framers of the constitution, and fully recognised therein, therefore slavery exists independently of the constitution; and, as slavery is recognised and sanctioned by the constitution, Congress, which derives all its powers from that instrument, cannot legislate on the subject of slavery, except for its protection where it legally exists; that the Territories are the common property of all the States, and therefore the people of all the States have the right to enter upon and occupy any territory with their slaves as well as other property, and are protected by the constitution and flag of the country; that Congress has no right to legislate slavery into nor to exclude it from a Territory; and that neither Congress nor a territorial legislature has any right or power to legislate on the subject, except so far as may be necessary to protect the citizens of the Territory in the possession and enjoyment of their slave property.

"2. *Resolved*, That the power to exclude slavery from, or establish it in, a Territory, resides exclusively in a convention of the people of such Territory, legally assembled under the constitution of the United States, to form a State constitution preparatory to admission into the Union. In that constitution the people of the Territory have the sole right and exclusive power to determine for themselves whether slavery shall or shall not exist in said Territory.

"3. *Resolved*, That the opposite of the doctrines embodied in the two preceding resolutions, commonly known as 'squatter sovereignty,' is utterly repudiated and condemned by this convention as violative of the spirit of the constitution, and an insidious and alarming infringement upon the rights of the slaveholding States; that it is indefensible in principle and dangerous in practice as the Wilmot proviso—'the most monstrous doc-

trine ever advanced by an American statesman,' and the people of the South ought not to, and will not, submit to it.

"4. *Resolved*, That this convention regards a strict adherence to the principles and views contained in the foregoing resolutions absolutely essential to the peace and perpetuity of the Union, and we do pledge ourselves, one to the other, that we will affiliate with no party, nor support any man for office, under the government of the State or of the United States, who does not publicly and unequivocally avow the principles of these resolutions, without change or abatement.

"5. *Resolved*, That, in view of the increased dangers that threaten the institutions of the South, this convention deems it necessary to, and does hereby, re-endorse and adopt the following, known as the 'Georgia platform,' to wit, 'That the State of Alabama, in the judgment of this convention, will and ought to resist, even (as a last resort) to a disruption of every tie which binds her to the Union, any action of Congress upon the subject of slavery in the District of Columbia, or in places subject to the jurisdiction of Congress, incompatible with the safety, the domestic tranquillity, the rights and honor of the slaveholding States; or any act suppressing the slave trade between the slaveholding States, or any refusal to admit as a State any Territory applying, because of the existence of slavery therein; or any act prohibiting the introduction of slaves into the Territories; or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.'"

At the same time that convention pledged itself to carry out the following resolution which had been adopted by a convention of the same party in November, 1855 :

"Congress has no power to legislate upon the question of slavery in the States where it exists, or to exclude any State from admission into the Union because its constitution does, or does not, recognise the institution of slavery, or to abolish slavery in the District of Columbia. The fugitive-slave law should be maintained and rigorously enforced. No law or regulation shall be attempted by Congress touching the question of slavery in the Territories; but that it shall cease to agitate the question of slavery in any form. We regard a strict adherence to the principles and views of this section absolutely essential to the peace and perpetuity of the Union; and we do pledge ourselves, one to the other, that we will affiliate with no party, nor support any man for office, under the government of the State or of the United States, who does not publicly and unequivocally avow the principles of this section, without change or abatement."

The State convention also expressed the opinion that the American party should make no nominations for the presidency or vice presidency at the February convention.

Similar action had been taken by the party in Georgia, and I think in some other of the southern States.

Before the holding of that convention in Philadelphia the national council of the American party had assembled there and had taken action. I was not a member of that council. It adopted a platform. Before I take my seat I propose to discuss it. When the convention met, a controversy arose as to the right of delegates from the State of Pennsylvania to seats on that floor. What part I took in regard to that controversy is shown in my letter above quoted.

My friends from Tennessee, [Messrs. ZOLLICOFFER and READY,] who were there as delegates, will recollect that I then said that the southern Americans ought not, and would not, consent to an ignoring of the question of slavery, or the repudiation of the 12th section, as contained in the June platform of 1855; that they would not be willing to take any man, however pure and however exalted he might be, if, by the action of the convention or council, acting for the party, speaking by its authority, and assuming to be the exponent of its opinions and views on this great question, that section should be stricken from the platform. I said that, in that event, the American

party South would no longer harmonize with those members living north of Mason and Dixon's line.

The convention adopted no platform, nor did it give any formal sanction to the one framed by the council a few days previously. Indeed, the southern members generally denied the authority of the council to prescribe any platform, and acted in convention without reference to what had been done in the council.

Before my return to the convention, it became manifest that a large majority were in favor of nominating candidates for the presidency and vice presidency. The more conservative members believed that nominations at that time were essential to the interests of the party—that delay might possibly add such strength to George Law as to insure his nomination, and that such a selection would be disastrous. Again, it was feared that an adjournment of the convention without making nominations would involve the risk of defections in the northern States, in consequence of the prevalence of anti-slavery opinions.

Mr. Fillmore was put in nomination, and I voted for him, and for the following reasons: He was the least objectionable candidate proposed. He was respected for his prudence and moderation as a public man. His administration, without having been at all brilliant, had been characterized by fairness and dignity, and, in the main, had commanded the approval of the country. He was supposed to be able to rally to his support a larger share of the conservative men of the North than any of his competitors; and would thereby weaken the sectional movement in the free States against the rights and interests of the South. I voted for him in my *representative* capacity as a delegate, feeling confident that the party in Alabama preferred him to either of the other candidates voted for.

It is true that Mr. Fillmore had been a Whig, while my former affinities and connexions were democratic; yet, in joining the American party, which I believed to be a great reform movement, I laid aside all my old party prejudices.

I had looked to this new movement as one needed by the country, as required by a general necessity—as a movement springing from the great masses of the country, who had become tired with the miserable scramble for the spoils, and whose patriotism would preserve this Union intact. I voted, therefore, for Mr. Fillmore; but it is known to those who were there that I uniformly said that I would support no man who stood upon the platform which had been adopted by the council of February, 1856.

My friend from Tennessee, [Mr. ZOLLICOFFER,] and my friend from Mississippi, [Mr. LAKE,] who were members of that convention, will bear me witness that it was generally declared that Mr. Fillmore was nominated without reference to this platform, and that many members of the convention denied the power of the council to make the platform binding upon the party.

f Well, sir, what followed? Mr. Fillmore returned to this country from his European visit. In his letter of acceptance, dated at Paris, what does he say?

After returning his acknowledgments for the honor conferred upon



him, and expressing his opinion of the patriotic purposes of the party, he employs the following language :

"So estimating this party, both in its present position and future destiny, I freely adopt its great leading principles, as announced in the recent declaration of the national council in Philadelphia, a copy of which you were so kind as to enclose to me, holding them to be just and liberal to every true interest of the country, and wisely adapted to the establishment and support of an enlightened, safe, and effective American policy, in full accord with the ideas and the hopes of the fathers of our republic."

He there unequivocally adopts and endorses the council platform. A comparison of that platform with that of June, 1855, will clearly show that the relations between Mr. Fillmore and the southern members of the convention who had supported him were entirely changed. They contended that the 12th section of the June platform of 1855 was still in force and binding upon the party. That section, in its essential features, had been repudiated and stricken out by the council, and Mr. Fillmore, in accepting the nomination, plants himself on the platform erected by the last council. The 12th section is as follows :

"XII. The American party, having arisen upon the ruins, and in spite of the opposition, of the Whig and Democratic parties, cannot be in any manner responsible for the obnoxious acts or violated pledges of either. And the systematic agitation of the slavery question by those parties having elevated sectional hostility into a positive element of political power, and brought our institutions into peril, it has therefore become the imperative duty of the American party to interpose for the purpose of giving peace to the country, and perpetuity to the Union. And as experience has shown it impossible to reconcile opinions so extreme as those which separate the disputants, and as there can be no dishonor in submitting to the best guarantee of common justice and of future peace, we are determined to abide by and maintain the existing laws upon the subject of slavery, as a final and conclusive settlement of that subject, in spirit and in substance.

"And regarding it the highest duty to avow their opinions upon a subject so important, in distinct and unequivocal terms, it is hereby declared, as the sense of this National Council, that Congress possesses no power, under the constitution, to legislate upon the subject of slavery in the States where it does or may exist, or to exclude any State from admission into the Union because its constitution does or does not recognise the institution of slavery as a part of its social system ; and, expressly pretermittting any expression of opinion upon the power of Congress to establish or prohibit slavery in any Territory, it is the sense of the National Council that Congress ought not to legislate upon the subject of slavery within the Territories of the United States, and that any interference by Congress with slavery as it exists in the District of Columbia would be a violation of the spirit and intention of the compact by which the State of Maryland ceded the District to the United States, and a breach of the national faith."

It will be seen that this section pledges the party "to abide by and maintain the existing laws upon the subject of slavery as a final and conclusive settlement of that subject, in spirit and in substance." This, of course, includes that section of the Kansas-Nebraska bill which repealed the Missouri restriction of 1820, and also the fugitive-slave law.

The 12th section also declares "that Congress possesses no power, under the constitution, to legislate upon the subject of slavery in the States where it does or may exist, or to exclude any State from admission into the Union because its constitution does or does not recognise the institution of slavery as a part of its social system."

It also declares "that Congress ought not to legislate upon the subject of slavery within the Territories of the United States," &c.

Well, sir, what is the platform of February 21, 1856, and what changes did it make on that of June, 1855?



Here it is:

*Know-Nothing Platform of National Council, February, 1856.*

1. An humble acknowledgment of the Supreme Being who rules the universe for His protecting care vouchsafed to our fathers in their successful revolutionary struggle, and hitherto manifested to us, their descendants, in the preservation of the liberties, the independence, and the union of these States.

2. The perpetuation of the federal Union as the palladium of our civil and religious liberties, and the only sure bulwark of American independence.

3. *Americans must rule America*, and to this end *native-born* citizens should be selected for all State, federal, and municipal offices, or government employment, in preference to naturalized citizens; nevertheless,

4. Persons born of American parents residing temporarily abroad should be entitled to all the rights of native-born citizens; but,

5. No person shall be selected for political station (whether native or foreign birth) who recognises any allegiance, or obligation of any description, to any foreign prince, potentate, or power, or who refuses to recognise the federal and State constitutions (each within its sphere) as paramount to all other laws as rules of political action.

6. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good-will between the citizens of the several States, and, to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State.

7. The recognition of the right of the native-born and naturalized citizens of the United States, permanently residing in any Territory thereof, to frame their constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the federal constitution, with the right of admission into the Union whenever they have the requisite population for one representative in Congress: *Provided, always*, that none but those who are citizens of the United States, under the constitution and laws thereof, and who have a fixed residence in any such Territory, ought to participate in the formation of the constitution, or in the enactment of laws for said Territory or State.

8. An enforcement of the principle that no State or Territory can admit others than native-born citizens to the right of suffrage, or of holding political office, unless such persons shall have been naturalized according to the laws of the United States.

9. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not heretofore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers and persons convicted of crime from landing upon our shores; but no interference with the vested rights of foreigners.

10. Opposition to any union between Church and State; no interference with religious faith or worship, and no test oaths for office, except those indicated in the 5th section of this platform.

11. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.

12. Maintenance and enforcement of all laws, until said laws are declared null and void by competent judicial authority.

13. Opposition to the reckless and unwise policy of the present administration in the general management of our national affairs, and far more especially as shown in removing "Americans" (by designation) and conservatives in principle from office, and placing foreigners and ultraists in their places; as shown in truckling subserviency to the stronger and insolent and cowardly bravado towards the weaker powers; as shown in reopening sectional agitation by the repeal of the Missouri compromise; as shown in granting to unnaturalized foreigners the right of suffrage in Kansas and Nebraska; as shown in its vacillating course on the Kansas and Nebraska question; as shown in the removal of Judge Bronson from the collectorship of New York, upon false and untenable grounds; as shown in the corruptions which pervade some of the departments of the government; as shown in disgracing meritorious naval officers through prejudice or caprice; as shown in the blundering mismanagement of our foreign relations.

14. Therefore, to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the "American party" upon the principles hereinbefore stated, eschewing all sectional questions, and uniting upon those purely national, and admitting into said party all American citizens (referred to in third, fourth, and fifth sections,) who openly avow the principles and opinions heretofore expressed, and who will subscribe their names to this platform; provided, nevertheless, that a majority of those members present at any meeting of a local council, where an applicant applies for membership in the American party, may, for any reason by them deemed sufficient, deny admission to such applicant.

15. A free and open discussion of all political principles embraced in our platform.

Now, in the first place, it will be observed that this platform studiously avoids the use of the word *slavery* from beginning to end. The 12th section of the old platform declared that it was the *highest duty* to avow their opinion upon so important a subject as slavery.

The council of 1856 admitted no such obligation, and evidently sought to keep the party uncommitted on that question.

The 12th section of the old platform insisted upon an adherence to and a maintenance of "existing laws upon the subject of slavery."

The new platform only pledged its framers, in general terms, to the "maintenance and enforcement of all laws until said laws are declared null and void by competent judicial authority." So far as this refers to laws affecting slavery, it is a complete repudiation of the June platform, for the latter declared those laws to be *final* and *conclusive*; and by such declaration arraying the party against any attempt to make those laws the subject of litigation in the courts or of congressional action.

The *object* of the council of June, 1855, was to *put down* agitation upon the subject of slavery; the *effect* of the action of the council of 1856 was to renew that agitation, by making the laws relative to slavery the subject of investigation.

Besides, the new platform, in express terms, condemns the repeal of the Missouri compromise, and, in doing so, impliedly binds those who have adopted that platform to a restoration of the Missouri restriction.

To sum up the differences in the two platforms: 1st. That of June, 1855, regards "existing laws upon the subject of slavery as final and conclusive." That of February, 1856, contains no such avowal; but, on the contrary, contemplates either their repeal through the legislative department or their annulment by the judicial tribunals.

2d. In June, 1855, it was declared "that Congress had no power to exclude any State from admission into the Union because its constitution does or does not recognise the institution of slavery as a part of its social system." In February, 1856, the council passes this matter over, makes no such declaration, shrinks from doing that which the South had a right to expect, and thus fails to afford any guarantee of the safe action of the party in the future.

3d. The first platform declares "that Congress ought not to legislate upon the subject of slavery within the Territories of the United States, and that any interference by Congress with slavery as it exists in the District of Columbia would be a violation of the spirit and intentions of the compact by which the State of Maryland ceded the District to the United States, and a breach of the national faith."

The last platform contains no such avowal; neither approves nor condemns further legislation by Congress upon the subject of slavery in the Territories, nor denounces any interference with slavery in the District of Columbia.

4th. In the most unmistakable terms it deprecates the repeal of the Missouri compromise, which repeal was sanctioned by the platform of June, 1855.

Well, sir, we have seen by his letter of May last that Mr. Fillmore adopts a platform that takes from the party all claim to nationality,

and releases it from its former pledges to abide by and maintain laws that are all-essential to the rights of the South, the equality of States, and the peace of the Union.

But although I regarded the sentiments expressed in that letter as fully exonerating me from any obligation to support Mr. Fillmore, I yet determined to await his return to the United States, and see what course he should take after he had an opportunity of learning precisely the condition of affairs, and the real position of the party.

After his return, and on his journey from New York to his home, he made several speeches explanatory of his opinions upon public affairs. At Rochester he is reported as follows, viz :

"Mr. Fillmore said that he had no reason to disguise his sentiments on the subject of the Missouri compromise, which seemed to be the chief source of the unfortunate agitations that now disturb the peace of the country. He said that it would be recollected when he came into the administration the country was agitated from centre to circumference with the exciting subject of slavery. This question was then forced upon the country by the acquisition of new territories, and he feared that the eloquent address of the chairman gave him more credit for the settlement of that question than he was entitled to, but not more, however, than he would have deserved had his power equalled his desire. But the truth was, that many noble patriots, whigs and democrats, in both houses of Congress, rallied around and sustained the administration at this trying time, and to them was chiefly due the merit of settling this exciting controversy.

"Those measures usually called the compromise measures of 1850, (he continued,) were not in all respects what I would have desired, but they were the best that could be obtained after a protracted discussion of this subject, which shook this republic from its centre to its circumference, and I felt bound to give them my official approval. Not only this, but perceiving there was a disposition to renew the agitation. I took the responsibility of declaring, in substance, in my annual message, that I regarded these measures as a 'final settlement' of this question, and that the laws thus passed ought to be maintained until time and experience should demonstrate the necessity of modification or repeal. I then thought that this exciting subject was at an end, and that there would be no further occasion to introduce it into the legislation of Congress.

"Territorial governments had been provided for all the territory except that covered by the Missouri compromise, and I had no suspicion that that was to be disturbed. I have no hesitation in saying—what most of you know already—that I was decidedly opposed to the disturbance of that compromise. Good faith, as well as the peace of the country, seemed to me to require that a compromise which had stood for more than thirty years should not be wantonly disturbed. These were my sentiments then, fully and fearlessly expressed, verbally and in writing, to all my friends, North and South, who solicited my opinion.

"This repeal seems to have been a Pandora's box, out of which issued all the evils which now afflict the country, without scarcely leaving hope behind," &c.

Now, sir, take this language, weigh it, strain after a meaning to suit your party purpose as an American, northern or southern, examine it with all the anxiety of a partisan who hopes to obtain from them new strength for his candidate—I say, examine it as you will, it must be considered as a decided condemnation of the repeal of the Missouri restriction. He speaks of the compromise of 1850—he tells us what was then the condition of the country, and the inducements which persuaded him to lend his sanction to that series of compromise measures. He then goes on to speak of the excitement prevailing at this time in consequence of the agitation of the slavery question. He addresses his hearers in an apologetic tone of his endorsement of the compromise measures of 1850. He refers to the Nebraska and Kansas act as a "Pandora's box"—as reopening the slavery agitation. He also states that the compromise of 1850 did not embrace the territory covered by the Missouri restriction, and that he had no suspicion



that the latter would be disturbed, and that he was decidedly opposed to its repeal.

Well, just here I call the attention of the committee to this portion of his language, because it is most significant, and perhaps has had as much or more than anything else to do in forming my judgment as to his position. He says that he regarded the compromise of 1850 as a complete settlement so far as applied to the territory not covered by the Missouri restriction; or, in other words, that, in his judgment, the act of 1820 applied to territory not covered by the compromise measures of 1850. Now, sir, see how this is. It cannot be successfully denied that the Missouri compromise was in fact superseded by that of 1850. We know that a large portion of Utah Territory lies north of the parallel of  $36^{\circ} 30'$ ; that a large portion of the Territory of New Mexico lies north of  $36^{\circ} 30'$ ; you will find that a considerable portion of the territory just below the southern boundary line of Kansas, within the Louisiana purchase, and north of  $36^{\circ} 30'$ , is owned by the Indians; and that, under acts of Congress and certain treaties with the Indians, slavery has been introduced, and still exists therein. It is thus apparent that the Territorial bills of Utah and New Mexico embraced territory covered by the Missouri compromise, and that, as those bills did not contain the slavery restriction in the compromise of 1820, it was clearly abrogated. That not only is this so, but that the treaties with the Indians and the acts of Congress referred to, authorizing the introduction of slavery, had, long anterior to 1850, erased the line of 1820.

How, then, I ask, can Mr. Fillmore, with his knowledge of the stipulations and effect of our treaties with the Indians, and the acts of Congress relative to them—how can he, in the face of his approval of the Territorial bills of New Mexico and Utah, contend that the Missouri compromise was unaffected by them? They included territory embraced within that compromise; they were acts subsequently passed, and were, in spirit and substance, inconsistent with the act of 1820. According to all rules of construction, the slavery-restricting clause of that act was repealed.

This much in reference to the platform upon which Mr. Fillmore has placed himself, and the declarations of his opinions that he has lately made in his speeches.

They, in themselves, afford a sufficient guide to any southern man who wishes to do right, who is disposed to rise above party obligations, and who, in his watchfulness of the rights and interests of his section, pays no heed to personal consequences.

But, sir, there are other matters to be considered in examining Mr. Fillmore's claims to our support.

In these times of party platforms; in these times, when leading men are made out of miserably small material; in these times, when we have looming up before the public eye no man of real large proportions; in these times, when every man is constrained to form his own opinions because there is no great directing intellect which all can follow—I say, in these times it is well for us not only to look at the man himself who claims our suffrage, but also to look at those who follow and support him. I propose to subject Mr. Fillmore to

that test. Why, sir, what do we see? If I mistake not, there are but two non-slaveholding States in which Mr. Fillmore has an electoral ticket, and in one of these (Indiana) Mr. DUNN, a member of this House, and who has not only attempted at this session to have the Missouri line restored, but who has over and over again declared that he never would consent to any new slave State coming into the Union, has been appointed a Fillmore elector.

The failure to organize electoral tickets in the free States must be regarded as significant evidence that a very large portion of the Know-Nothing party in those States has been sunk into the dirty pool of Black Republicanism. It is known that in the State of Massachusetts, and in various other States, there have been ruptures in American meetings, and that in every instance where a demonstration was sought to be made in favor of Mr. Fillmore as the party nominee a breach took place.

Again, sir, what do we see here? On this very floor, within this House, we have seen more than once every northern supporter of Mr. Fillmore, with one exception, and he a southern-born man, voting to restore the Missouri compromise.

Mr. BOWIE. Who is the exception?

Mr. WALKER. The gentleman from New York, [Mr. VALK.] If I am wrong I hope I will be corrected. What am I to think of such allies as these? I believe, and so do the whole body of my people, that the Missouri restriction was unconstitutional; that it was a severe blow at State equality. It was submitted to by the South, but never had been abided by by the North. Afterwards, sir, this restriction was removed, and we were in *theory* restored to our rights and our equality. You know full well—I say it in no boasting spirit, because after the people in my own section in 1850 succumbed to mere party dictation, and yielded to this miserable compromise policy which has so long interfered with the prosperity of the South, I am the last man disposed to speak boastfully of my section; but I think I may say this—and you will agree with me—that the restoration of the Missouri restriction could never be acquiesced in by the South, and that no party there would support it; that not a single man holding allegiance to any single State government south would ever dream of submitting to it.

Well, with all this knowledge in my own mind; with the strong conviction that the repeal of that restriction was all right and proper in itself—that it merely restored us to what had always belonged to us, and which we had temporarily lost by a bad policy; I ask you with what propriety can I come forward and support men for office whose friends, upon this floor and elsewhere, indicate their purpose to restore the Missouri restriction?

Again: assuming this to be their policy; suppose that, during the next presidential term, Mr. Fillmore should hold that high station; suppose there should be sufficient power in the two houses to affect that measure, what would be his action? In 1848, it will be remembered by the committee, and by the country, that Mr. Fillmore took this ground upon the veto power—that he would only interfere where there is a plain violation of the constitution, or where there is a man-

ifest informality in the enactment. That was the prevalent doctrine of his party at that time. Well, sir, when he tells us in his speeches that the repeal of the Missouri compromise was an "act of bad faith," when in what he has said and written we are warranted in supposing that he believes that the Missouri restriction was constitutional, I ask my American friends upon this floor, if they can venture to assure the country that in such an event Mr. Fillmore would withhold from it his sanction?

These are grave questions; they are questions which rise above party necessities; they are questions which address themselves to the minds of thinking and reasoning men—men who are not disposed to be led away by mere party bias—men covetous of their own personal character and dignity, and covetous of preserving the dignity and equality of their States.

Mr. ALLISON. Will the gentleman permit me to propound to him a question at this point? I would like to know whether the gentleman from Alabama considers it a sufficient cause for a dissolution of the Union should the elections which are about to be had throughout the country decide that point in sending a majority to this House and to the Senate, if it were possible, that would vote in favor of restoring the Missouri compromise?

Mr. WALKER. I will answer the gentleman that question in this wise. In the great struggle in 1850, I took the ground in my own State, that, in my judgment, this Union—all glorious as it had been, the object of my love and reverence, filled as I was with the thoughts of the great deeds of the men who gave it to us, looking upon it as of only less value than the principles which gave it being—I said then, that rather than submit to an unjust compromise I would see the Union shivered into fragments. And I say now—though I am no disunionist—that valuing my own rights, and, I trust, properly regarding the rights of others—yet, I say now, in all calmness and solemnness, to northern gentlemen, that, in my judgment, if the restriction referred to by the gentleman should be renewed upon the South—if that is to be the finale of this fierce sectional strife—it would lead to a disseverance of the Union. I say, further, that in the consummation of the event the gentleman has supposed, if my voice had potency, it should ring from every hill-top and every vale in the South. I would light the beacon-fires of revolt on every southern stream, and, if need be, cut with the sword the bonds that linked us with oppressors. Yet, in saying this, I would invoke Heaven to turn that dark day away from us. I would not only live in peace, but cultivate, so far as we can, fraternal concord and harmony. But that can only be achieved, it can only be preserved, by a determination upon all sides to award to each State its full equality, and to the citizens of each State full and perfect equality, one with the other. Governments are not worth living for or fighting for unless the great objects of their creation are carried out, and with us *equality* is the leading, fundamental idea. The States must not be shorn of their sovereignty, nor their citizens abridged in their rights.

But, sir, to return to the presidential election. From what I have said, it will be seen that I cannot justify myself in voting for Mr.



Fillmore. What am I to do? Where am I to go? I will answer the question. I shall not surrender any of what I conceive to be the great, leading, fundamental ideas of the American party. I stand now, on that subject, where I stood a year ago. I make no surrender of what I believe to be the wise purposes of that party. But, sir, for the time being, I must hold these things in abeyance. I must let them bide their time, trusting that by the force and power of their own truth they will make themselves manifest in the settled policy of the country hereafter. I am one of those who believe that no man has a right to abstain from casting his vote, especially in such times as these. I look upon this thing of suffrage, which is of legislative origin, and which, once given, is a right, as imposing a duty upon the recipient always to cast his suffrage. A man cannot hold himself neutral in such times as these. Then, sir, where am I to go, and what am I to do? The committee will observe that in all that I have said of Mr. Fillmore, I am speaking of him as he now stands. I judge of no public man in this country by his antecedents; it is not only a foolish but an unjust and unsafe mode of testing his fitness for office. I care not what Mr. Fillmore's opinions were in 1838. I take him as he stands, and I take his competitors as they stand now. He is a man of high personal character; a man whose integrity is beyond question; a man who has worth of his own. Therefore, sir, I give him full credit for honesty in his professions.

Well, sir, who is the democratic nominee? If I were to judge either of these two men by the past, I should say, and say most truthfully, that they were both distasteful to me. I could put my finger on both of their records and find objectionable points. But, sir, when I come to ask myself the question, which of these two men (for the choice is necessarily limited to them) I must take, I answer it in this wise: In the first place, the platform on which Mr. Buchanan stands, verbose and unnecessarily long as it is, is far more in accordance with my own opinions and feelings than that on which Mr. Fillmore stands. I take it, sir, that his party is more fully committed at this time to those principles and that policy which would secure the rights of all sections than any other party in the country.

Mr. Buchanan's character and public services have been such as to afford some ground or belief to the country, at least, that he will not prove false to his professions. He has bound himself firmly by the party platform. That platform, in unmistakable terms, acknowledges the right of all the States of this Union, and not only of the States in their present organized government, but it recognises their, so to speak, *prospective* right. It recognises their equality of rights in the Territories, and pledges the party to the admission of new slave States. In these respects it comes up to the demands of the South. Therefore, sir, taking these two gentlemen from their present standpoints, looking at the conduct and principles of their respective supporters—in view of the fact that the real contest is between Mr. Buchanan and the Black Republican nominee, and that, therefore, I should not, as a southern man, withhold a vote from that candidate who can bring most strength against one whose success would be disastrous to those I represent, and fatal to the Union—I find that I

must cut myself loose from party associations, and cast my vote where in my judgment it is my duty to cast it, and that is for Mr. Buchanan.

I think I may say, Mr. Chairman, without fear of contradiction, that, since I have been a member of this House, there has been no occasion where—whenever I could prove my attachment to what I believe to be the leading idea of the policy of the American party—I was at all found lacking in manifesting my desire to carry out their policy ; but, sir, I stand not here as a partisan. I claim the right to ally myself, for the time being, with that party which I myself regard as the most conservative. I trust to preserve my own individuality in going with this or with that party, according to the dictates of my own judgment. I neither throw aside the party term of “American” nor take up the party term of “democrat.” I simply stand—I fear I may say so—alone, somewhat of an Ishmaelite. Perhaps it may be so in my own district. Were I covetous of a longer service in this hall, I feel assured that all I would have to do to attain that end would be to take in my hand the Fillmore banner, and canvass my district. But if I know myself, Mr. Chairman, I cannot be governed by any such personal ambition. I must do what I conceive to be my duty, not merely as a southern man, but a duty enjoined upon me by the allegiance I owe to the great organic law. I trust that in taking the course I have pointed out for myself to-night, I am governed by suggestions of a higher patriotism than that which generally rules parties. I trust that, no matter how this may end—whether I am borne down by the overwhelming tide of party wrath, or whether, from the very fact of my own independence, I may be allowed to preserve my own humble way—in any event, the charge will not be laid at my door that I have been either recreant to my own sectional duties, forgetful of my own personal respect, regardless of the rights of any portion of our confederacy, or that I ever turned my back upon the claim which the constitution has upon my allegiance.

Mr. Chairman, we have heard much to-night from the gentleman from Tennessee, (Mr. READY,) on the subject of disunion. Time was, sir, when that word grated on an American ear. Time was when no man allowed himself to weigh or debate the value of the Union. Time was when the Massachusetts man and the Louisiana man acknowledged the sovereignty of their respective States. Time was when the *law* was obeyed throughout the length and breadth of this land—when every man, whether living North or South, yielded a ready obedience to the enactments of his State legislature, and, above all, when no man dreamed of treason to the constitution of the United States. These times have passed away ; and we now present before the world the spectacle of a divided and broken people—a people swayed by sectional hate, having no thoughts in common—a people not cut up merely by geographical lines, but a people sundered by greater and more impassable barriers—a people having no common affection—a people acknowledging no mutuality of obligations—a people engaged in a fierce sectional strife, and seemingly not caring whether it ends in disunion or in the subjugation of one section of the Union to another. Sir, these are, indeed, lamentable times. Is there no remedy? I confess that I see none, unless it is to be found in indi-

vidual thought and individual action. Parties have ceased to be efficacious for any general good. Parties are banded together merely to carry out some party object. They are no longer governed by any high motive. That purity and integrity which formerly characterized them has long since ceased to exist. It seems to me, as I have said, that if any remedy is left it is to be found in individual action. Men must recall the lessons of their boyhood, their early lessons of love and affection for the *constitutional* Union—the sense of constitutional duty must be their thoughts by day and their dreams by night—they must carry themselves back to the wells of our early history, and draw therefrom fresh draughts of patriotism.

Mr. Chairman, I have spoken very discursively, very ramblingly, because I have not had time previously to arrange my thoughts. But I trust that I have with sufficient clearness stated the reasons that influenced my action. In fixing upon my line of conduct, I have acted as in my opinion every man coming from my section should—a section linked as it is for weal or for woe with the institution of slavery; an institution forming, as it were, the very life-blood of our State governments, and to defend which is our most solemn duty.

---

## APPENDIX.

*To the American party of the First Congressional District of Alabama.*

I beg you to read the foregoing speech, in which my reasons for not supporting Mr. Fillmore are given. As I was elected chiefly by your votes to the seat I hold in Congress, I feel it due to you to say that if the course I have prescribed for myself in the Presidential election renders me, in your judgment, unfit to further represent you, I hold myself ready to resign whenever you may meet in county conventions and express a desire that I should do so. It is only through such assemblages that I could ascertain with any certainty your wishes. Thanking you for the confidence you have heretofore reposed in me, I am, respectfully, yours, &c.,

PERCY WALKER.

WASHINGTON, *August 7*, 1856.







